

**REMARKS**

In response to the Office Action dated August 24, 2005, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

All pending claims were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the Dodd patent (U.S. 6,633,849) in view of the New York Times article entitled "Will Gift Lists Click?", and identified in the Office Action as "Wish Lists." It is respectfully submitted that the Dodd patent is directed to a different type of transaction than the subject matter of the present invention, and therefore does not suggest the claimed subject matter. Furthermore, it is respectfully submitted that any logical combination of the concepts disclosed in the New York Times article with the system of the Dodd patent does not result in the claimed subject matter.

The present application discloses a method and system in which a user can go online to an electronic commerce site and select an order consisting of one or more items for purchase. The purchase of these items is not actually completed at that time, however. Rather, a web page describing the items to be purchased, as well as other purchase information, is generated, and an email with the address of that web page, e.g. a link, is sent to the ultimate purchaser. For instance, in the example described in the application, a student can go online and select a computer system that he or she desires. The email can then be sent to the student's parents as the ultimate purchaser.

To complete the purchase of the products, the recipient of the email requests the web page, e.g. clicks on the link in the email. Upon receiving the web page, the

purchaser can then carry out the final steps necessary to complete the purchase, e.g. enter payment and shipping information.

In contrast, the Dodd patent describes a system in which the *purchaser* goes online to purchase a gift for an intended recipient. While online, all of the transactions necessary to complete the purchase are carried out. For example, see Figure 5, step 514, in which the purchaser provides the required payment information. Thereafter, notification, e.g. an email, is sent to the intended recipient. The recipient then has the option to accept or exchange the gift.

Thus, in the method and system of the present invention, an email is sent to the ultimate purchaser *before* the transaction is completed to enable the purchaser to review the order and make the purchase, if it is acceptable. In the system of the Dodd patent, on the other hand, an email is sent *after* the purchase is completed. In that system, the email is not sent to the purchaser, but rather to another person who is intended to receive the purchased item as a gift.

It is respectfully submitted that these basic differences between the subject matter of the present application and the system of the Dodd patent is not rendered obvious by the New York Times article. That article describes an online gift registry that provides individuals who wish to receive gifts a mechanism for informing givers about their desires. In that system, the ultimate recipient goes to a site and creates a list of desired gifts. Then, it is up to that person to inform others of the existence of the list. For instance, as stated on page 2, paragraph 2, "the list creator alerts friends and family members." The gift givers can then go to the site that was provided to them by the list creator to identify an item to purchase as a gift.

If one were to combine this disclosure with the system described in the Dodd patent, the logical result would be an arrangement in which the gift recipient first goes to the "wish list" site, and creates a list of the items he or she would like to receive as gifts. Upon being informed about this list, the gift giver can then purchase one of the gifts by means of the system disclosed in the Dodd patent. After purchasing a gift, an email would be sent to the intended recipient, to inform him or her of the purchase and provide the ability to accept or exchange it. Presumably, since the recipient has already selected the gift, it would be accepted.

This combination of the teachings of the two references does not overcome the distinctions identified previously. Specifically, even when the systems of the two references are employed together as set forth above, the purchased transaction is still completed *before* an email is automatically generated and sent to the gift recipient. Thus, with reference to claim 1, for example, the combined teachings of the references do not suggest the steps of "automatically producing and sending an electronic mail message having the address of the web page to a recipient and generated from the stored order data." Nor do they suggest the steps of providing the web page to the recipient in response to a request from the recipient, or in response to a request that is provided via that web page from the recipient, completing the sale of the order selections to the recipient.

For at least these reasons, therefore, it is respectfully submitted that the Dodd patent and the New York Times article do not suggest the claimed subject matter to a person of ordinary skill in the art, whether considered individually or in combination. Reconsideration and withdrawal of the rejections are respectfully requested.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

BUCHANAN INGERSOLL, P.C.

Date: November 23, 2005

By: \_\_\_\_\_



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